



CITIZEN POLICE ADVISORY REVIEW BOARD MEETING MINUTES

Chair Hart called the regular meeting of the Citizen Police Advisory Review Board (CPARB) to order on Tuesday, January 18, 2005 at 5:31 p.m. at the Downtown Library, Basement, 101 N. Stone Avenue, Tucson, Arizona.

Commission Members	Representing	Present/Absent
Suzanne Elefante	Mayor	Present
Jeremy Tor	Ward 1	Present
Elizabeth Bottka-Smith, Vice Chair	Ward 2	Present
Vicki Ann Hart, Chair	Ward 3	Present
Cynthia Schiesel	Ward 4	Absent
Holli McGarry	Ward 5	Present (arrived at 5:40)
William O. Wills	Ward 6	Present (arrived at 5:37)
Advisory Members		
Susan Thornton	CPARB	Present
Barry Hirsch	CPARB	Present
Ex-Officio Non-Voting Members		
Andrea Ibáñez	City Manager's Office	Present (arrived at 5:37)
Captain Carla Johnson	TPD	Present
Officer Steve Beller	TPOA	Present (arrived at 5:35)

Staff Present
Assistant Chief Kermit Miller, TPD
Lt. Jim McShea, TPD
Captain Mike Gillooly, TPD
Jennifer Ledford, TPD
Liana Perez, Independent Police Auditor
Mike Anderson, City Attorney's Office
Karen Valenti, Recording Secretary
Rebecca Partin, Recording Secretary
Visitors
Ronald Manzi
Bob Anderson, Our Town Mediation Program
Pete Martin, Mediator, Our Town Mediation Program
Judy Anderson, Mediator, Our Town Mediation Program

AGENDA ITEM	MOTION	ACTION	FOLLOW-UP RESPONSIBILITY
1. Call to Order / Roll Call: 5:31 p.m.			
2. Approval of Notes of 12/21/2004.	MOTION by Ms. Elefante, duly seconded to approve the notes of December 21, 2004 with corrections. Voice vote passed 4 to 0. Ms. Schiesel, Mr. Wills, and Ms. McGarry absent.	<ul style="list-style-type: none"> • Correction: <i>Item 1</i> - should have an explanation that although Mr. Tor selected to be the Ward 1 appointee, he had not yet completed the paperwork, hence was still listed as an advisory member. • Correction to <i>Item 4</i> – clarify wording to “Captain Johnson explained that the Patriot Act limits/defines domestic terrorism as conduct that breaks criminal laws, endangering human life.” • Correction to <i>Item 13</i> – should state, “<i>Mr. Tor will replace Ms. Wilber as the Ward 1 representative.</i>” 	
3. Call to the Audience		Ronald Manzi: as one of the advocates of changing bar closing time to 2:00 a.m., he wanted to know if there was an increase of DUI arrests.	Chair Hart stated that he could talk to TPD during break or have matter placed on a future agenda.
4. Demonstration on Mediation		<p>Bob Anderson, from Our Town Mediation Program, discussed the citizen-officer mediation program.</p> <ul style="list-style-type: none"> • Described the difference between mediation, negotiation, and arbitration. • To date, there were 4 mediations held; 3 of which ended with hopeful results. Clearly defining mediation with the citizens makes the program a success. • The Board asked TPD if there was a system in place to track how many citizens are offered and accept/decline mediation. There is no such system currently. The Board asked if it would be valuable to know such information in order to increase the number of mediations. • Ms. Liana Perez, stated that it was a strictly voluntary program. Many of the officers volunteered to participate and TPOA 	Mediation role-play may be scheduled for a future meeting.

		<p>also encourages participation. However, it does take extra effort from the citizens to take the time for mediation.</p> <ul style="list-style-type: none"> • Mediation proceedings usually take about 2 hours and are strictly confidential. TPD only knows if an agreement has been reached or not. • Ms Martin, mediator with the program, explained what a typical mediation session would be like. Responding to a question, she stated that officers come to mediation on duty and in uniform, to include weapons. She felt this may be intimidating to the citizen. Ms. Perez stated that surveys have shown that the uniform was not an intimidating factor, partially because citizens expected to see officers in uniform and usually officers were in uniform when the incident itself occurred. • In addition to the TPD mediation, Our Town offers mediation to the entire community at no cost (donations are accepted). They have mediated neighbor, workplace, family, and real estate disputes. 	
5. Follow-up on Policy for Using Breathalyzer	<p>MOTION by Ms. Bottka-Smith, duly seconded to accept Mr. Tor's proposal to further address his concerns regarding citizens being made aware of their right to refuse a breathalyzer. Voice vote passed 6 to 0. Ms. Schiesel absent.</p>	<p>Mr. Tor stated his concerns with the use of the smaller hand-held breathalyzer, Intoxilyzer 300, as in reference to underage drinking. Specifically, the following issues were discussed:</p> <ul style="list-style-type: none"> • It may give a false positive due to mouth alcohol but a follow up test or deprivation period was not required to establish alcohol in the system. • Individuals are not consistently made aware that they can refuse a hand-held breathalyzer. For example, officers entering a party or bar checking ID of underage minors and giving them breathalyzer test • Mr. Tor volunteered to put these concerns in writing, in the form of a proposed letter to Chief Miranda, for review and discussion/action at next month's meeting. • As a sidebar, there was a discussion 	<ul style="list-style-type: none"> • Mr. Tor will be putting recommendations in writing. • TPD to provide

		that citizens could be cited for DUI, even when their alcohol level was less than .08, if deemed “impaired” by the officer. Board asked TPD to provide statistics on how many drivers had been cited in the last 6-12 months whose alcohol level was under .08.	statistics.
6. Office of Independent Police Auditor A. Monthly Contacts B. Community Outreach		A. <ul style="list-style-type: none"> Ms. Bottka-Smith had concerns regarding the format of the complaint report. Specifically, the absence of the description in the “allegation” area. She also asked if the IA complaint number could be cross-referenced, when available. Mr. Tor asked why a specific complaint was not considered, to which Mr. Perez clarified that the complaint was filed after 180-day limit. B. Discussion regarding a youth outreach project in the works. More information will follow at future meetings.	
7. Tucson Police Department		<ul style="list-style-type: none"> Capt. Johnson reported that at today’s semiannual awards ceremony 139 TPD employees and volunteers were recognized for their excellent performance and accomplishments. Capt. Gillooly reported on the Discipline Matrix Working Committee’s progress: <ul style="list-style-type: none"> ✓ The matrix has been finalized, approved by Chief Miranda, and will be effective March 1, 2005. ✓ During the process, all stake holders were consulted (e.g., supervision, officers, TPOA, etc.). Other departments were also consulted. The new system is believed to bring TPD into main stream, large metropolitan police departments. ✓ The matrix clearly outlines the type of sanctions officers would face when charged with misconduct and repeated misconduct. It implements progressive 	In a future meeting, handouts of the Discipline Matrix would be available

	<p>MOTION by Ms. Bottka-Smith, duly seconded, that all cases not be redacted for discipline. Voice vote passed 6 to 0. Ms. Schiesel absent.</p>	<p>discipline, removes the fear of the unknown for officers, and offers consistent consequences for all employees.</p> <ul style="list-style-type: none"> ✓ The discipline matrix applies to all TPD employees, regardless of rank or position. It is a well-designed policy that aims to be fair and consistent which will further enhance the department's professionalism. ✓ Mr. Hirsch read an editorial from the Tucson Citizen from January 13, 2005, stating, "The Tucson Police Department is an excellent one. These changes in discipline policies will make the department an even better one." ✓ Ms. Bottka-Smith expressed that she was under the understanding that the Board would be more involved in the development of the new system. Specifically, that they would be briefed on the committee's progress and given the opportunity to give feedback on the proposed system before its implementation. ✓ Ms. Bottka-Smith suggested that the Board get the 3-hour training, given to supervisors, during its annual training. ✓ Ms. Bottka-Smith also requested that TPD not redact the discipline portion of complaint investigations, as is current practice. She reminded everyone that it is not the Board's charter to comment on discipline; however seeing the discipline would give the Board the opportunity to see how the new policy/matrix actually works. This led to discussion regarding access to public records. • Capt. Gillooly stated that the department would like to add up to 400 new officers in the next five years making it one of the top 15 	
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		largest police departments in the U.S.	
8.Recess		Recess taken from 6:35 p.m. to 6:40 p.m.	
9. Random review of TPD Complaints A. Case #04-0439 B. Case #04-0520	<p>A. MOTION by Ms. Bottka-Smith, duly seconded, that Case #04-0439 was not a fair and thorough investigation. Voice vote passed 6 to 0. Ms. Schiesel absent.</p> <p>B. MOTION by Ms. Bottka-Smith, duly seconded, that Case #04-0520 was a fair and thorough investigation with commend reference the letter. Voice vote passed 6 to 0. Ms. Schiesel absent.</p>	<p>A. The Board discussed the case and felt it was not a fair or thorough investigation.</p> <p>B. Report was discussed and investigation was felt to be fair and thorough. However, concern was expressed that the letter to the citizen should include disposition of all allegations. As written, the letter may imply that all allegations were sustained, when in fact they weren't. This has been a repeat comment from other cases and the Board asked TPD to ensure future letters include a disposition of all the allegations, individually.</p>	
10. CPARB Customer Satisfaction Survey		Ms. Bottka-Smith suggested the formation of a subcommittee that could analyze the results of the returned surveys and report back to the Board. The Board was in agreement. Mr. Tor volunteered to be on the subcommittee.	
11. Comments to Mayor and Council		Reviewed. No concerns brought to/discussed by the Board.	
12. Report on Website		<p>Ms. Bottka-Smith gave the following status report:</p> <ul style="list-style-type: none"> • She and Chair Hart met with the City IT personnel and Pat Johnson, TPD webmaster. The website is up and looks terrific. Ms. Bottka-Smith sent a letter of appreciation to the IT department, thanking them for their outstanding support. • In addition to providing information to the community, citizens are able to file complaints or contact the Board online. • Website will be registered and will include 	

		<p>metadata allowing people to find the website when searching on typical phrases.</p> <ul style="list-style-type: none"> • The City Clerk's office has provided the City's policy on websites. The Board does not appear to be in violation of the policies. • Still working on linking the site from TPD, IPA, and the City's pages. • Ms. Bottka-Smith suggested the Board find ways to publicize the website through various channels. • There are still several prior notes and agendas that need to be posted. She has attempted but has been unsuccessful in getting these from the City Clerk's Office. Becky Partin explained that the records are not electronic and the Board was welcome to scan the hard copies of the notes/agendas itself. Ms. Bottka-Smith expressed her frustration at the lack of cooperation from the City Clerk's office. She asked for help from Ms. Ibanez. She agreed to contact the appropriate personnel. 	
13. Annual Meeting		April 30, 2005, was suggested as the day for the annual training day. TPD will determine if this is a doable date and will report at the February meeting.	
14. Future Meetings and Agenda Items		<ul style="list-style-type: none"> • Counter Narcotic Alliance (February). • Annual Report. 	
15. Report from Chair / Announcements		March and June will be the last meetings attended by Ms. Elefante and Ms. Bottka-Smith, respectively. Ms. Thornton expressed an interest in becoming a voting member.	
16. Adjournment: - Time: 7:25 p.m.	MOTION by Ms. Elefante, second by Ms. Bottka-Smith to adjourn. Voice vote passed 6 to 0. Ms. Schiesel absent.		